

From: spucci@blackberry-hill.com@inetgw
To: Microsoft ATR
Date: 12/5/01 6:07pm
Subject: Microsoft Settlement

I object in the strongest possible terms to the proposed settlement, for several reasons, primarily:

1. No punishment has been imposed on Microsoft for its behavior in the past, nor any damages assessed for the harm to the public good effected by those actions. The settlement appears to be instead directed at controlling future Microsoft behavior, and appears to ignore the past.
2. The settlement does not appear to provide for penalties in the case that Microsoft is found to continue its illegal behavior.
3. The settlement expires, and there is apparently no provision for any restrictions on Microsoft's behavior beyond the next five years.

These are critical defects, as Microsoft has demonstrated by its actions in the past. Microsoft has no motivation to restrict its behavior if the government never imposes any penalties, as was clearly demonstrated by the 1995 consent decree and Microsoft's subsequent actions. If we as a government only ever say to transgressors "You have broken the law, don't do it again," without imposing penalties, why would we expect anyone to follow the law?

I have also read that Microsoft is offering to give away equipment to schools as part of its "penalty". This action will only increase Microsoft's monopoly in the PC desktop operating system market. I suggest that if this to be a true remedy, that Microsoft be required to give equipment to schools that do **not** run Microsoft Windows, such as Apple or Sun computers.

Thank you for your consideration of this point of view.

- Steve

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